

1 Terrence R. McInnis (#155416)
(tmcinnis@rdbl原因.com)
2 Siavash Daniel Rashtian (#228644)
(drashtian@rdbl原因.com)
3 ROSS, DIXON & BELL, LLP
5 Park Plaza, Suite 1200
4 Irvine, California 92614-8529
Telephone: (949) 622-2700
5 Facsimile: (949) 622-2739

6 Monique M. Fuentes (#205501)
(mfuentes@rdbl原因.com)
7 ROSS, DIXON & BELL, LLP
2001 K Street, NW
8 Washington, DC 20006-1040
Telephone: (202) 662-2000
9 Facsimile: (202) 662-2190

10 *Attorneys for Defendant, Counter-Claimant,*
11 *Cross-Claimant and Cross-Defendant*
Executive Risk Specialty Insurance Company

12 UNITED STATES DISTRICT COURT
13 NORTHERN DISTRICT OF CALIFORNIA
14 OAKLAND DIVISION

15 LENSRAFTERS, INC., and EYEXAM OF
16 CALIFORNIA, INC.,

17 Plaintiffs,

18 v.

19 LIBERTY MUTUAL FIRE INSURANCE
20 COMPANY; EXECUTIVE RISK SPECIALTY
21 INSURANCE COMPANY; UNITED STATES
22 FIRE INSURANCE COMPANY; MARKEL
AMERICAN INSURANCE COMPANY and
WESTCHESTER FIRE INSURANCE
COMPANY,

23 Defendants.

24 AND RELATED COUNTER AND CROSS
25 ACTIONS

No. C07-02853 SBA

[Related Case No. C 04-01001 SBA]

**NOTICE OF DISMISSAL WITHOUT
PREJUDICE OF EXECUTIVE RISK
SPECIALTY INSURANCE
COMPANY'S COUNTERCLAIM
AGAINST LENSRAFTERS, INC.
AND EYEXAM OF CALIFORNIA,
INC.**

26 COMES NOW Defendant/Counter-Claimant EXECUTIVE RISK SPECIALTY
27 INSURANCE COMPANY ("ERSIC"), by and through its attorneys undersigned, and hereby
28

1 gives notice that all claims of ERSIC against Plaintiffs/Counter-Defendants LENSRAFTERS,
2 INC., and EYEXAM OF CALIFORNIA, INC, as set forth in ERSIC's counterclaim filed in this
3 action, are hereby dismissed without prejudice.

4 This Notice of Dismissal Without Prejudice is made pursuant to Rule 41(a)(1)(i) of the
5 Federal Rules of Civil Procedure. No answer or responsive pleadings were filed by
6 Plaintiffs/Counter-Defendants to ERSIC's counterclaim in this matter.
7

8 Date: October 23, 2007

Respectfully submitted,

9 ROSS, DIXON & BELL, LLP

10 /s/ Terrence R. McInnis
11 Terrence R. McInnis

12 and

13 Monique M. Fuentes
14 Siavash Daniel Rashtian

15 *Attorneys for Defendant, Counter-Claimant,*
16 *Cross-Claimant and Cross-Defendant Executive*
17 *Risk Specialty Insurance Company*
18
19
20
21
22
23
24
25
26
27
28